

## UNITED STATES DISTRICT COURT

for the

Southern District of Indiana

United States of America  
v.

MARQUISE LEE,

*Defendant(s)*

Case No.

1:21-mj-0125

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 9, 2021 in the county of Marion in the  
Southern District of Indiana, the defendant(s) violated:*Code Section*Count 1: 18 U.S.C. § 922(g)(1)  
Count 2: 21 U.S.C. § 841(a)  
Count 3: 18 U.S.C. § 924(c)*Offense Description*Possession of a Firearm by a Convicted Felon  
Possession with Intent to Distribute Controlled Substances  
Carrying a Firearm During and in Relation to a Drug Trafficking Crime

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

s/ Seth Goldstein

*Complainant's signature*

Seth Goldstein, Task Force Officer, ATF

*Printed name and title*Attested to by the applicant in accordance with the requirements of Fed.R.Crim.P. 4.1 by  
telephone *(reliable electronic means)*Date: February 10, 2021City and state: Indianapolis, IN

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A CRIMINAL COMPLAINT**

Your Affiant, Seth Goldstein, being duly sworn, does depose and state:

**Affiant Background and Purpose of Affidavit**

1. I am currently a Detective with the Fishers Police Department (FPD). My law enforcement career began in 2005 as a sworn law enforcement officer with the Los Angeles Police Department (LAPD). I remained in this position until 2012 when I became a sworn law enforcement officer for FPD. In December 2019, I was assigned as a Detective to the Crime Gun Intelligence Center (CGIC) – Indianapolis Task Force. In September 2020, I became a Task Force Officer (TFO) for the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), a component of the United States Department of Justice. In connection with my duties, I investigate criminal violations of federal laws, including, but not limited to, firearms and violent crime offenses in violation of Title 18, United States Code, Sections 922(g), 924(c), 1951, and 2119.
2. I have testified in judicial proceedings and prosecutions for violations of firearms laws and narcotics violations. I have also been involved in various types of surveillance and in the interviews of defendants, witnesses, informants, and others who have knowledge of the use of firearms in conjunction with other criminal activities, including violent crimes and the distribution of controlled substances.
3. The information set forth in this Affidavit is based upon my participation in this investigation, review of law enforcement reports, discussions with other law enforcement officers involved in the investigation, and my experience and training. This Affidavit does not set forth every fact your Affiant has learned during this investigation, but rather is provided solely for establishing probable cause in support of the application for a Complaint

in this matter. The information contained in the following paragraphs is either personally known to your Affiant or was told to your Affiant by other law enforcement officers.

4. This Affidavit is submitted in support of a Criminal Complaint charging Marquise LEE with Possession of a Firearm by a Convicted Felon, in violation of Title 18, United States Code, Section 922(g)(1), Possession with Intent to Distribute Controlled Substances, in violation of Title 21, United States Code, Section 841(a), and Carrying a Firearm During and in Relation to a Drug Trafficking Crime, in violation of Title 18, United States Code, Section 924(c). The information contained in the following paragraphs is either personally known to your Affiant or was told to your Affiant by other law enforcement officers.

#### **Facts and Circumstances Supporting Probable Cause**

5. On February 9, 2021, investigators were conducting surveillance at an apartment building located at 7375 Mariner Way Indianapolis, IN 46214, in the Southern District of Indiana, of Marquise LEE. LEE was wanted on three (3) active warrants – two from Marion County and one from Hennepin County, Minnesota (Minneapolis).

6. Investigators were also aware that LEE is a convicted felon, having been previously convicted of Resisting Law Enforcement as a Level 6 Felony in Marion County (Indiana) under cause no. 49G15-1709-F6-034854 on or about January 11, 2018.

7. At approximately 12:05 pm, investigators observed LEE exit the apartment building. Investigators could see what appeared to be a black handgun with an extended magazine protruding from LEE's front right waistband.

8. A short time later, investigators observed LEE get into the passenger seat of a vehicle and leave the location. A female individual was driving, and her 16-year-old child was in

the back seat. Investigators initiated a traffic stop of the vehicle and detained LEE.

Investigators observed and recovered a loaded Glock, model 17, 9mm pistol (serial no. AEGG918) on the floorboard underneath the front passenger seat where LEE was sitting in the vehicle. Additionally, investigators recovered a small amount of suspected marijuana, (5) THC edible products, and (15) unknown tablets from a bag that LEE had with him.

9. LEE was advised of his *Miranda Rights* and LEE agreed to speak with investigators. LEE stated he possessed the Glock pistol recovered in the vehicle for protection. LEE acknowledged he was a convicted felon and not allowed to possess a firearm.

10. LEE admitted to possessing the marijuana, edibles, and tablets, which he stated were ecstasy pills. LEE stated he sold marijuana, edibles, and ecstasy, and had been arrested for dealing marijuana and ecstasy in the past. LEE was also in possession of approximately \$4,282 in US Currency. LEE admitted that he is unemployed, and that this currency is proceeds from LEE's drug sales. LEE stated that he carried the firearm for personal protection and to protect himself from being robbed during his drug sales.

11. As to the firearm referenced in this Affidavit, an interstate nexus expert with ATF reviewed the firearm's characteristics and determined that the firearm was not manufactured in the state of Indiana. By virtue of its presence in the State of Indiana, therefore, the firearm had to have been transported or shipped in interstate or foreign commerce.

12. All of the above events occurred in the Southern District of Indiana, Indianapolis Division.

### Conclusion

13. Your Affiant submits that, based on the facts set forth in this Affidavit, probable cause exists that on or about February 9, 2021, in the Southern District of Indiana, Marquise LEE, having knowingly been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess a firearm in violation of Title 18, United States Code, Section 922(g)(1), did possess with intent to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a), and did carry a firearm during and in relation to a drug trafficking crime, in violation of Title, 18 United States Code, Section 924(c). Accordingly, your Affiant requests this Court issue a Criminal Complaint charging LEE with these crimes, along with a warrant for his arrest.

s/ Seth Goldstein

Seth Goldstein, Task Force Officer  
Bureau of Alcohol, Tobacco, Firearms and  
Explosives (ATF)

Attested to by the applicant in accordance with the requirements of  
Federal Rules of Criminal Procedure 4.1 and 41(d)(3) by telephone.

Date: February 10, 2021

